IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.8808 of 2005

Sou.Shashikala Ashok Aher — Petitioner
Vs.
Shri Tatya Vishnu Vavadhane & ors. — Respondents

Ms.P.P.Tendulkar i/b Mr.M.S.Karnik for petitioner.

CORAM: B.H.MARLAPALLE,J.

June 21, 2006.

P.C.

. Heard Ms.Tendulkar with Mr.Karnik, the learned counsel for the petitioner.

. The application at Exhibit 5 in RCS Suit No.255 of 2001 was rejected by the learned Civil Judge, Junior Division at Yeola on 20/2/2003 and the plaintiff, therefore, filed Civil Misc. Appeal No.17 of 2003. The present petitioner - original defendant no.1 was the respondent no.1 in the said appeal and the appeal has been allowed by the learned Additional District Judge at Niphad on 23/9/2005. Hence this petition by the defendant no.1.

. Admittedly the restraining order dated 23/9/2005 and impugned in this petition is against all the defendants and only defendant no.1 has

challenged the same. The restraining order has been in operation for the last about nine months or so and, therefore, it would be appropriate that the pending suit is directed to be decided within a fixed period.

. Hence the petition is disposed with a direction to the learned Civil Judge, Junior Division at Yeola to hear and decide RCS No.255 of 2001 as expeditiously as possible and in any case by 31st March 2007 and without being influenced by the impugned order passed by the lower Appellate Court.

(B.H.MARLAPALLE,J.)